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JAMES P. COLLITON,

Plaintiff,

-against-

ANN MARIE DONNELLY, RACHEL LAUREN
HOCHHAUSER, and ROBERT M. MORGENTHAU,

Defendants.
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(PRO SE)

07 Civ. 1922 (LTS) (THK)

ORDER

Theodore H. Katz, United States Magistrate Judge.

Plaintiff, James Colliton, proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983, against New York County District Attorney Robert M. Morgenthau, and Assistant District Attorneys Ann Marie Donnelly and Rachel Lauren Hochhauser (collectively "Defendants"). The action had been stayed during the pendency of Plaintiff's criminal proceeding. That proceeding has now been concluded and the stay has been lifted. Accordingly, the Court held a conference with the parties today, and the following matters were addressed and resolved:

1. Defendants have agreed to withdraw their motion to dismiss, alleging inadequate service of process. Service has been accepted on behalf of all Defendants. Accordingly, Defendants' motion to dismiss, **Docket Entry # 10, is deemed withdrawn.**

2. On June 11, 2007, this Court issued a Report and Recommendation with respect to a series of motions for preliminary relief filed by Plaintiff. Plaintiff filed objections to the

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decision on the Report and Recommendation while the case was on the
Suspense Docket. Plaintiff now concedes that the motions that were
addressed by the Report and Recommendation are moot. Accordingly,
**the District Court need not rule on Plaintiff's objections and the
following motions are denied as moot: Docket Entries # 3, 6, 7, 13,
14, 15, and 16.**

3. Plaintiff has agreed to withdraw Claims 5 and 7 in the
Complaint. Accordingly, Claims 5 and 7 are deemed withdrawn.

4. By separate order, a schedule will be set for the
submission of a motion to dismiss.

So ordered.



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: November 27, 2007
New York, New York